



State of Washington PUBLIC DISCLOSURE COMMISSION

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9:30 a.m.
June 24, 2010

MINUTES – REGULAR MEETING

Evergreen Plaza Bldg. Room 206
711 Capitol Way South
Olympia, Washington

COMMISSION MEMBERS PRESENT

Jim Clements, Chair
Dave Seabrook, Vice Chair
Jennifer Joly, Member
Jane Noland, Member

STAFF PRESENT

Doug Ellis, Interim Executive Director
Nancy Krier, General Counsel
Michael Smith, Chief Technology Officer
Kurt Young, Compliance Officer
Lori Anderson, Communications and Training Officer
Linda Dalton, Senior Assistant Attorney General
(Joined the regular meeting at 10:15 a.m. | Departed meeting at 1:15 p.m.)
Jana Greer, Confidential Secretary

The regular meeting of the Public Disclosure Commission was called to order by the Commission Chair Jim Clements at 9:30 a.m. in the Evergreen Plaza Building, Room 206 Olympia, Washington.

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| I. <u>Citizen Comments/Concerns</u> | No citizen comments or concerns were expressed. |
| II. <u>Commissioner Comments</u> | Chair Clements asked Nancy Krier to brief the Commission on the recent outcome of the Supreme Court decision, Doe v. Reed.

Commissioner Seabrook commented on the planning for the search for a new Executive Director. The Commission requested that staff provide information on a planning process. Staff will report back at the August meeting. |
| III. <u>Minutes</u>
Motion 10-90 | Moved by Commissioner Seabrook, seconded by Commissioner Joly:

The Commission adopts the minutes of May 27, 2010.

The motion passed unanimously. |

IV. Commission Election of New Officers

Commissioner Noland nominated the following officers for the 2010-2011 term:

Chair: Commissioner David Seabrook
Vice Chair: Commissioner Barry Sehlin
Secretary: Commissioner Jennifer Joly

Motion 10-91

Moved by Commissioner Noland, seconded by Commissioner Clements:

The Commission voted to approve the 2010-2011 Officers as nominated.

The motion passed unanimously.

V. Furloughs/Temporary Layoffs

In addition to the information provided in a memo to the Commission, Doug Ellis informed the Commission that the Office of Financial Management (OFM) has approved the agency compensation reduction plan calling for six days of temporary layoffs.

VI. Rulemaking

Discussion and possible approval of draft language amending:

- WAC 390-16-038
Definition – Aggregate;
- WAC 390-16-309
Identification of affiliated entities; and,
- WAC 390-17-302
Contributions after the primary election.

Lori Anderson presented draft amendments to implement SB 6344, which extends contribution limits to county office, city council, and mayoral candidates as of June 10, 2010.

Commissioner Seabrook noted that in the draft amendments to WA 390-17-302 (3), “state office candidates” should be changed to “candidates subject to contribution limits.”

Motion 10-92

Moved by Commissioner Clements, seconded by Commissioner Seabrook:

The Commission approves the proposed staff amendments to WAC 390-16-038, WAC 390-16-309, and WAC 390-17-302, with the additional change to WAC 390-17-302(3).

The motion passed unanimously.

A public hearing on the proposed amendments will be scheduled.

VII. Advisory Matters

1. Public Service Announcements (Sec. 703, Ch. 204, Laws of 2010) Continued Discussion of Possible PDC Interpretation 10-01.

The Commission continued its discussion from the May meeting on public service announcements (PSAs).

In response to previous Commission suggestions and stakeholder input, Ms. Krier presented draft #2 of the possible PDC interpretation concerning PSAs. She summarized the previous discussion, additional

comments received, and the next draft.

Motion 10-93

Moved by Commissioner Noland, seconded by Commissioner Seabrook:

The Commission approves draft #2 of the PDC Interpretation 10-01 of Public Service Announcements By State-Elected Officials and Municipal Officers.

The motion passed unanimously.

2. Push Polling

In a follow-up to the April Commission meeting, Ms. Krier summarized the materials previously presented and provided additional information and background regarding telephone advocacy often called "Push Polling".

The Commission will continue discussions and determine how to proceed at future meetings.

Recognition of Vicki Rippie

Vicki Rippie, former PDC Executive Director, was recognized by the Commission, staff, and past co-workers for the excellent job she has done throughout her career. She was present and extended her thanks.

VIII. Executive Session

The Commission entered executive session at 11:57 a.m. to discuss pending and potential litigation with legal counsel until 12:10 p.m.

Following a lunch break, the Commission returned to public session at 1:15 p.m.

IX. Reporting Modifications - New

1. *Elizabeth P. Martin*,
Pierce County Superior Court Judge,
Department 16. Judge Martin is requesting a modification that would exempt her from disclosing her home address, and the reportable business customers that paid \$10,000 or more in the previous 12 months to the law firm of Gordon, Thomas, Honeywell, LLP.

Kurt Young summarized and reviewed the reporting modification request, and referenced the email submitted by Ms. Martin,

Mr. Young stated that Ms. Martin does not have access to the client base or compensation information of her spouse's firm, Gordon, Thomas, Honeywell. However, she did report the customers that she is aware of.

Ms. Martin participated via conference call to address questions from the Commission.

Staff recommended approval of the request in accordance with WAC 390-28-100 and PDC Interpretation 02-06.

Motion 10-94

Moved by Commissioner Clements, seconded by Commissioner Seabrook:

The Commission grants a partial reporting

modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Kurt Young reviewed the reporting modification request of Ms. Fitzer. Ms. Fitzer was present via conference call and also provided, via email, the clients of her spouse's law firm that meet the \$10,000 or more reporting threshold.

Staff recommends approving the modification in accordance with PDC Interpretation 02-06 and WAC 390-28-100 (1) (c) (ii).

2. *Bertha B. Fitzer*, Candidate for Pierce County Prosecuting Attorney in 2010. Ms. Fitzer is requesting a modification that would exempt her from disclosing the reportable business customers that paid \$10,000 or more in the previous 12 months to the law firm Burgess Fitzer, PS.

Motion 10-95

Moved by Commissioner Clements, seconded by Commissioner Noland:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Kurt Young reviewed the reporting modification request. Ms. Tebelius described that Le Sourd & Patten has no government clients and she does not have access to the customer client base or compensation information.

Ms. Tebelius participated via a conference to address any question from the Commission.

Staff recommends approving the modification in accordance with PDC Interpretation 02-06 and WAC 390-28-100 (1) (c) (ii).

3. *Diane Tebelius*, candidate for State Representative in the 48th Legislative District. Ms. Tebelius is requesting a modification that would exempt her from disclosing the reportable business customers that paid \$10,000 or more in the previous 12 months to the Seattle law firm of Le Sourd & Patten, of which her spouse is a member.

Motion 10-96

Moved by Commissioner Seabrook, seconded by Commissioner Clements:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

Chair Clements, Commissioner Joly, and Commissioner Seabrook voted to approve the modification.

Commissioner Noland abstained from voting.

The motion passed.

4. *Brenda Grassel*, City Councilmember, City of Spokane Valley.

Kurt Young reviewed the reporting modification request of Ms. Grassel.

Ms. Grassel participated via conference call. She stated that she had gone through this modification process last year and the request is specific as to the competitive disadvantage of providing her customer list.

Ms. Grassel said she does not have any new customers this year that meets the reporting threshold.

Ms. Grassel stated that there would be no conflict of interest with her position and her customers.

The Commission asked Ms. Grassel to disclose the three companies that meet the reporting threshold and are within the city limits.

Staff recommends approving the modification in accordance with WAC 390-28-100 (1) (c) (ii).

Motion 10-97

Moved by Commissioner Clements, seconded by Commissioner Noland:

The Commission grants a partial reporting modification as requested

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

5. *Mathew W. Williams*, candidate for King County District Court Judge, SE King County Division in 2010. Mr. Williams is requesting a modification that would exempt him from disclosing: a) his home address; b) the business customers that paid \$10,000 or more in the previous 12

Kurt Young reviewed the reporting modification request of Mr. Williams, noting that there are three parts to this request for modification.

Mr. Williams participated via conference call, to answer questions from the Commission.

Staff recommends approving the modification as requested in accordance with PDC Interpretation 02-04 and WAC 390-28-100 (1) (d).

months to International Sensor Systems, Inc. (ISSI), and c) the business and other governmental customers that paid \$10,000 or more in the previous 12 months to Safeco Insurance/Liberty Mutual Insurance.

Motion 10-98

Moved by Commissioner Noland, seconded by Commissioner Seabrook to exempt Mr. Williams from reporting his home address.

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

Commissioner Noland, Commissioner Joly, and Commissioner Seabrook voted to approve the modification.

Chair Clements voted against the motion.

The motion passed.

Motion 10-99

Moved by Commissioner Seabrook, seconded by Commissioner Noland, to exempt Mr. Williams from disclosing the reportable business customers of Integrated Sensor Systems Inc., Safeco Insurance/Liberty Mutual Insurance.

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

X. Reporting Modifications (No Changes)

Kurt Young presented the requests for reporting modification with no changes.

Staff recommends approval of the individual requests identified in the meeting agenda.

1. *Bruce Allen*, School Director, Highland School District.

Motion 10-100

Moved by Commissioner Clements, seconded by Commissioner Noland:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

2. *Robert Douglas Case*,
School Director, College
Place School District.

Motion 10-101

Moved by Commissioner Clements, seconded by Commissioner Seabrook:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

3. *Thomas Downer*, Fire
Commissioner, Pacific
County Fire District #1.

Motion 10-102

Moved by Commissioner Noland, seconded by Commissioner Seabrook:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

4. *Bruce Heller*, Superior
Court Judge, King
County.

Motion 10-103

Moved by Commissioner Noland, seconded by Commissioner Joly:

The Commission grants a partial reporting modification as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification

would not frustrate the purposes of the act.

The motion passed unanimously.

5. *Stephen L. Johnson*,
Board Member,
Washington State Board
of Tax Appeals.

Motion 10-104

Moved by Commissioner Noland, seconded by
Commissioner Clements:

**The Commission grants a partial reporting
modification as requested.**

**The Commission finds that literal application
would cause a manifestly unreasonable hardship
on the applicant and that a limited modification
would not frustrate the purposes of the act.**

The motion passed unanimously.

6. *A. Dan O'Neal*, Member,
Washington State
Transportation
Commission.

Motion 10-105

Moved by Commissioner Noland, seconded by
Commissioner Clements:

**The Commission grants a partial reporting
modification as requested.**

**The Commission finds that literal application
would cause a manifestly unreasonable hardship
on the applicant and that a limited modification
would not frustrate the purposes of the act.**

The motion passed unanimously.

7. *Suzanne Quigley*, City
Councilmember, City of
Lake Stevens.

Motion 10-106

Moved by Commissioner Clements, seconded by
Commissioner Seabrook:

**The Commission grants a partial reporting
modification as requested.**

**The Commission finds that literal application
would cause a manifestly unreasonable hardship
on the applicant and that a limited modification
would not frustrate the purposes of the act.**

The motion passed unanimously.

8. *Palmer Robinson*,

Superior Court Judge,
King County.

Motion 10-107

Moved by Commissioner Clements, seconded by
Commissioner Noland:

**The Commission grants a partial reporting
modification as requested.**

**The Commission finds that literal application
would cause a manifestly unreasonable hardship
on the applicant and that a limited modification
would not frustrate the purposes of the act.**

The motion passed unanimously.

XI. Staff Reports

Interim Executive Director
Doug Ellis

In addition to his submitted report, Mr. Ellis discussed
the new security measures that have been instituted at
the office.

Chief Technology Officer
Michael Smith

In addition to his submitted report, Mr. Smith updated
the Commission on the anticipated launch of the
updated website.

General Counsel
Nancy Krier

Ms. Krier had no additional comments.

XII. Adjournment

Chair Clements adjourned the meeting at 3:11 p.m.

Approved by the Commission on July 22, 2010.